

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

NEIBI MELANI NAVARRETE,

Plaintiff,

v.

TARGET CORPORATION,

Defendant.

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CIVIL ACTION NO. 4:20-CV-00553

**DEFENDANT TARGET CORPORATION'S APPENDIX IN SUPPORT
OF ITS NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. § 1446 and Local Rule 81, Defendant Target Corporation provides the Court with the attached documentation in support of its Notice of Removal:

EXHIBIT	DESCRIPTION	DATE
A	Plaintiff's Original Petition	06/15/2020
A-1	Request for Issuance of Citation	06/16/2020
A-2	Citation	06/17/2020
A-3	Record/Copy Request	06/17/2020
A-4	Defendant's Original Answer	07/10/2020
A-5	Civil Docket Sheet	07/10/2020
B	Declaration of Adam Klarfeld in Support of Notice of Removal	07/09/2020
C	Defendant's Notice of Filing Removal (462nd District Court of Denton County)	07/17/2020
D	Index of Matters being Filed and List of Counsel of Record	07/17/2020

Respectfully submitted,

/s/ Danielle K. Herring

Danielle K. Herring

State Bar No. 24041281

dherring@littler.com

LITTLER MENDELSON, P.C.

1301 McKinney Street

Suite 1900

Houston, Texas 77010

Telephone No.: 713.951.9400

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Mark A. Flores

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LITTLER MENDELSON, P.C.

2001 Ross Avenue

Suite 1500, Lock Box 116

Dallas, TX 75201-2931

Telephone No.: 214.880.8100

Facsimile No.: 214.880.0181

**ATTORNEYS FOR DEFENDANT
TARGET CORPORATION**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument was forwarded to counsel of record, *via* e-file notification on this 17th day of July 2020 to:

Reema Ali
Equal Justice Center
1250 West Mockingbird Lane, Suite 455
Dallas, Texas 75247
Sent Via Email: rali@equaljusticecenter.org

Aaron Johnson
Equal Justice Center
510 S. Congress Ave., Ste. 206
Austin, Texas 78704
Sent Via Email: ajohnson@equaljusticecenter.org

Brian P. Sanford
The Sanford Firm
1910 Pacific Ave., Suite 15400
Dallas, Texas 75201
Sent Via Email: bsanford@sanfordfirm.com

/s/ Danielle K. Herring
Danielle K. Herring

EXHIBIT A

20-4611-462

Cause No. _____

Neibi Melani Navarrete,

Plaintiff,

v.

Target Corporation,

Defendant.§
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IN THE DISTRICT COURT

_____ JUDICIAL DISTRICT

OF DENTON COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

Plaintiff Neibi Melani Navarrete ("Ms. Navarrete") files this Original Petition and Jury Demand, complaining of Defendant Target Corporation ("Target") and for causes of action shows:

A. DISCOVERY CONTROL PLAN

1. Ms. Navarrete wishes to conduct discovery under Level 3, as provided in Rule 190.4 of the Texas Rules of Civil Procedure.

B. SERVICE OF PROCESS

2. Defendant Target Corporation is corporation that conducts business in Lewisville, Texas. It can be served via its registered agent, CT Corporation System at 1999 Bryan St., Suite 900 Dallas, TX 75201.

C. JURISDICTION AND VENUE

3. Pursuant to Article V § 8 of the Texas Constitution, this Court has original subject matter jurisdiction over the claims asserted herein because no other court has exclusive original jurisdiction over the claims asserted herein and because Ms. Navarrete seeks damages within the jurisdictional limits of this Court.

4. This Court has personal jurisdiction over the parties to this action because the claims

asserted herein arose directly from Defendant's acts and omissions in Texas.

5. Venue is proper in Denton County, Texas under Texas Civil Practice & Remedies Code § 15.002(a)(1) because a substantial part of the events giving rise to this action occurred in this county. Target maintains a regular place of business in Denton County, Texas. This case involves a young mother who was employed in Denton County, Texas.

E. FACTS

6. Under Texas law, it is illegal for an employer to fire a woman because she is pregnant.

7. Target's manager or "Executive Team Leader" Matt Santilli responded negatively after Ms. Navarrete told him that she was pregnant.

8. Target operates a store located at 4760 TX-121 Lewisville, TX 75026.

9. Target employed Ms. Navarrete at Target's Lewisville store from about July 9, 2009 to May 2018. Her most recent position was as a stocker in the Health, Beauty, and Essentials department of the store.

10. On or about November 30, 2017, Ms. Navarrete informed her supervisor, Matt Santilli, of her pregnancy and requested to not be scheduled on Tuesdays due to her doctor's appointments for her pregnancy. Mr. Santilli instructed Ms. Navarrete to utilize the in-store computer to make the request to not be scheduled on Tuesdays. Ms. Navarrete did so, and the request was approved.

11. After informing her supervisor about her pregnancy, Target cut Ms. Navarrete's hours significantly.

12. Ms. Navarrete made multiple requests to multiple Target supervisors or managers for more hours or transfer to a department where there was more work, but she was told that Target did not have any work available to offer her or to speak to Mr. Santilli, who would tell her there was no other work available for her.

13. In approximately December 2017, Target transferred two newly hired employees to be stockers in the Health, Beauty, and Essentials department to perform the same or substantially similar duties as Ms. Navarrete and provided them more hours than Ms. Navarrete.

14. Ms. Navarrete continued to be scheduled to work on Tuesdays despite her request to not be scheduled those days. When Ms. Navarrete was unable to attend her scheduled shifts, she called the store prior to the start of her shift to inform them of her inability to attend that shift.

15. Target fired Ms. Navarrete in May 2018. Target alleges that Ms. Navarrete failed to call in when she missed scheduled shifts, and Target claims that is the reason it fired her. However, when Ms. Navarrete was unable to work her scheduled shifts, she called the store prior to the start of her shift to inform them of her inability to attend that shift.

F. CONDITIONS PRECEDENT/ADMINISTRATIVE EXHAUSTION

16. All conditions precedent to the filing of this action and Plaintiff's right of recovery herein have been fulfilled.

17. With respect to the administrative prerequisites relevant to Ms. Navarrete's Chapter 21 claims, this petition is filed more than 180 days but less than two years after Plaintiff timely filed her charge of discrimination with the Texas Workforce Commission and Equal Employment Opportunity Commission.

G. CLAIMS FOR RELIEF

Tex. Labor Code Chapter 21 - Discrimination

18. Target violated Chapter 21 of the Texas Labor Code.

19. Section 21.051 of the Texas Labor Code provides that an employer commits an unlawful act if because of sex, the employer "discharges an individual, or discriminates in any other manner against an individual in connection with compensation or the terms, conditions, or privileges of

employment.”

20. Target terminated Ms. Navarrete and discriminated in their treatment of her in connection with the terms, conditions, or privileges of employment because of sex, more specifically, because she was pregnant.

Tex. Labor Code Chapter 21 - Retaliation

21. Section 21.055 of the Texas Labor Code provides that an employer commits an unlawful act if the employer retaliates against an individual who opposes a discriminatory practice.

22. Ms. Navarrete engaged in protected activity when she complained of Target’s discriminatory actions or actions she reasonably believed to constitute discrimination on the basis of sex, specifically pregnancy.

23. Defendants intentionally retaliated against Plaintiff in violation of Tex. Lab. Code § 21.055.

H. PUNITIVE DAMAGES

24. Target engaged in discriminatory practices, including retaliation, with malice or with reckless indifference to the state-protected rights of Ms. Navarrete as contemplated by Texas Labor Code Section§ 21.2585.

I. RELIEF REQUESTED

25. As required under Texas Rule of Civil Procedure 47, Plaintiff selects the range of potential monetary relief under Rule 47(c)(4). This range may change over time. Ms. Navarrete is free to suggest more or less based on the evidence and the jury and judge are free to find more or less at trial based on the evidence.

26. As a direct and proximate result of Target’s discrimination and retaliation, Target caused Ms. Navarrete to suffer resulting damages, for which she sues, including, but not limited to:

- a. back pay for lost wages and benefits
- b. equitable relief, including reinstatement or front pay;
- c. compensatory damages, including emotional pain, suffering, inconvenience, mental anguish, stress, anxiety, and humiliation;
- d. punitive damages;
- e. declaratory and injunctive relief;
- f. attorney's fees and costs of court, inclusive of expert witness fees; and
- g. pre- and post-judgment interest as allowed by law.

J. DEMAND FOR JURY

27. Ms. Navarrete demands a jury trial.

K. PRAYER

WHEREFORE, PREMISES CONSIDERED, Ms. Navarrete respectfully prays that Target be cited to appear and answer herein, and that upon final hearing hereof, Ms. Navarrete have judgment against Target for the relief requested above, and any further relief to which Ms. Navarrete may be entitled.

Respectfully Submitted,

EQUAL JUSTICE CENTER

By: s/ Reema Ali
Reema Ali
Texas State Bar No. 24105327
1250 West Mockingbird Lane, Suite 455
Dallas, Texas 75247
Tel.: (469) 228-4234
Fax: (469) 941-0861
rali@equaljusticecenter.org

Aaron Johnson
Texas State Bar No. 24056961

510 S. Congress Ave., Ste. 206
Austin, Texas 78704
Telephone: (512) 474-0007
Fax: (512) 474-0008
ajohnson@equaljusticecenter.org

THE SANFORD FIRM

By: /s/ Brian P. Sanford
Brian P. Sanford
Texas Bar No. 17630700
bsanford@sanfordfirm.com
1910 Pacific Ave., Suite 15400
Dallas, TX 75201
Ph: (214) 717-6653
Fax: (214) 919-0113

COUNSEL FOR PLAINTIFF

EXHIBIT A-1

E-FILING REQUEST FOR ISSUANCE

- ❖ This document **MUST** be filed as a separate LEAD document when e-filing.
- ❖ Choose the **Filing code:**
 - (New Suits select: **"Application"** and on Subsequent filings select **"Request"**)
- ❖ Select the type of issuance using the "Optional Services" section on the e-filing screen
- ❖ If a service document is required, you must add the "Copies for Service" and enter the number of pages the clerk needs to print. (Ex: Petition is 5 pages, 3 citations are requested: 5 x 3 = 15 pages will need to be printed by the clerk)

Cause No. 20-4611-462 **Document to be served:** Original Petition
Neibi Navarrete vs. Target Corporation

Style of Case: _____

Please use this form when requesting issuance of the below listed types of issuance through the e-filing system.

Please use other request forms for: Abstracts, Executions, Subpoenas and Order Withholdings

Please select the type and quantity of issuance(s) needed:

Type	Amt	Quantity	Type	Amt	Quantity
Citation	\$8	1	Expunction Notices: Petition & Order	\$11	
Citation for Foreclosure	\$46		Expunction Notices: Amended Petition	\$5	
Notice	\$8		Expunction Orders: Amended Orders	\$8	
Show Cause Notice	\$8		Letter Rogatory	\$8	
Temporary Restraining Order	\$8		Commission	\$8	
Protective Order Notice			All Writs	\$8	

Note: PUBLICATION COSTS – If publication is requested in the Denton Record Chronicle, we will provide your contact information to the Denton Record Chronicle for billing.

Name of party to be served: Target Corporation Type: Defendant
Address for service: Registered Agent CT Corporation System
1999 Bryan St. , Suite 900 Dallas, TX 75201

Name of party to be served: _____ Type: _____
Address for service: _____

Please attach additional pages if there are more parties to be served.

******* Check one of the options below for your preferred service method *******

Please hold at Clerks office:

_____ I will bring in a file-marked copy of the service document to your office for the issuance to be picked up at the front counter.

X _____ I request that the issuance be returned by e-service. (service document copy fee and service fee not required)
E-mail Address 1. rali@equaljusticecenter.org 2. ajohnson@equaljusticecenter.org

_____ Please serve by Denton County Constable/Sheriff (I have added the cost for a copy of the service document and have also added the service fee for the Sheriff/Constable)

_____ Please serve by Certified Mail (I have added the cost for a copy of the service document and have also added the Certified Mail service fee.)

Additional Notes: _____

Requestor Name & Phone number:

Reema Ali ; 469-228-4234

EXHIBIT A-2

CITATION –TRC 99 and 106

THE STATE OF TEXAS

COUNTY OF DENTON

CAUSE NO. 20-4611-462**TO: Target Corporation By Serving RA CT Corporation System 1999 Bryan St Ste 900 Dallas TX 75201 (or wherever he/she may be found)**

Notice to defendant: You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the first Monday following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

Court:	462nd Judicial District Court 1450 E. McKinney, 4th Floor, Denton, TX 76209
Cause No.:	20-4611-462
Date of Filing:	June 15, 2020
Document:	Plaintiff's Original Petition
Parties in Suit:	Neibi Melani Navarrete; Target Corporation
Clerk:	David Trantham, District Clerk 1450 E. McKinney, Suite 1200, Denton, TX 76209
Party or Party's Attorney:	Reema Ali 1250 West Mockingbird Lane, Ste. 455 Dallas, TX 75247

Issued under my hand and seal of this said court on this the 17th day of June, 2020.

David Trantham, District Clerk
Denton, Denton County Texas

BY: Joan Vallee, Deputy
Joan Vallee

Service Return

Came to hand on the _____ day of _____, 20____, at _____ m., and executed on the _____ day of _____, 20____, at _____ M by delivering to the within named _____ in person a true copy of this citation, with attached copy(ies) of the Plaintiff's Original Petition, at _____.

Service Fee: \$ _____ Sheriff/Constable
_____ County, Texas
Service ID No. _____ Deputy/Authorized Person

VERIFICATION

On this day personally appeared _____ known to me to be the person whose name is subscribed on the foregoing instrument and who has stated: upon penalty of perjury, I attest that the foregoing instrument has been executed by me in this cause pursuant to the Texas Rules of Civil Procedure. I am over the age of eighteen years and I am not a party to or interested in the outcome of this suit, and have been authorized by the Denton County Courts to serve process.

Subscribed and sworn to before me on this the _____ day of _____, 20____

Notary Public

EXHIBIT A-3

FILED
AT 11:34 O'CLOCK A M

**DENTON COUNTY DISTRICT CLERK
RECORD REQUEST FORM**

1450 E. McKinney
Denton, TX 76209
Phone: 940-349-2200

www.dentoncounty.gov

JUN 17 2020
DISTRICT CLERK
Denton County, Texas
P.O. Box 2146
Denton, TX 76202
BY *[Signature]* DEPUTY
FAX: 940-349-5754

EMAIL REQUEST TO: dcrecords@dentoncounty.com

Requestor: Linda Markey	Date: 6/17/20
Email: Lpm@kullmanlaw.com	Fax:
Address: 1100 Poydras Sttreet, Suite 1600	Phone: 504-596-4140
City, State, Zip: New Orleans, LA 70163	

Complete below (please be specific) or print out a case summary from the Denton County Judicial Records Search website located at <http://justice1.dentoncounty.com/>, mark the requested documents and fax with this form.

***** Cases filed since 1990 are located on the Judicial Records Search website. *****

Please allow up to 10 business days for your request to be completed.

Case/Cause #: 20-4611-462

Party Name: Navarrete v. Target

☐ Certified Copy



Plain Copy/E-Mail



Clerk's Certificate

Document Title

Date Document Filed

Complaint

File Date: 6/15/20

File Date: _____

File Date: _____

File Date: _____

File Date: _____

- Copies are \$1.00 per page. Payment can be made by cash, money order, or credit card (American Express, MasterCard, Visa and Discover). Credit card charges are subject to a 2.75% transaction fee of the total amount charged (\$1.00 minimum transaction). Personal checks are not accepted.
- Plain copies can be emailed or faxed to the information provided above. Certified copies will be mailed regular USPS First Class mail. If requestor prefers a different delivery method, please include separate envelope with pre-paid shipping label with request.
- Clerk's Certificate will provide a certified copy of the entire case file.
- Documents sealed by order or statute will not be provided unless permitted by law.


THIS FORM MUST BE COMPLETED IN ITS ENTIRETY. NOT COMPLETING THE FORM PROPERLY COULD KEEP YOUR REQUEST FROM BEING PROCESSED IN A TIMELY MANNER.

Payment method:	<input type="checkbox"/> Cash/Money Order	<input type="checkbox"/> MasterCard	<input checked="" type="checkbox"/> Visa	<input type="checkbox"/> Discover	<input type="checkbox"/> American Express
Name on credit card:	Account No. _____				
Amount Authorized Not to Exceed	<input type="checkbox"/> \$25.00	<input type="checkbox"/> \$35.00	<input type="checkbox"/> \$50.00	<input type="checkbox"/> Other \$ _____	
Billing Address Zip Code:	Exp. Date:	MM/YY	3 - digit Security Code: _____		
Printed & Signed Name of Authorized Person: _____					

Lisa Cox

From: Linda Markey <LPM@kullmanlaw.com>
Sent: Wednesday, June 17, 2020 11:25 AM
To: DC Records
Subject: Record Request Form
Attachments: 20200617112515536.pdf

Importance: High

FILED
AT 11:34 O'CLOCK A M
JUN 17 2020
DISTRICT CLERK
Denton County, Texas
BY  DEPUTY

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Never enter your password or other sensitive information on linked web pages contained in emails unless you are certain the web pages are safe. If you have questions or need assistance, please contact the Help Desk.

Attached is the record request form for an uncertified copy of the Complaint filed in the matter entitled: Navarrete v. Target", Case No. 20-4611-462.

We appreciate your expedited service. Please send a receipt for the payment of said copies and please shred the record request form with Mr. Zurik's credit card information. Please call me if you have any questions.

Thank you,
Linda

LINDA P. MARKEY
LEGAL ASSISTANT TO SAM ZURIK, III
THE KULLMAN FIRM
A Professional Law Corporation
1100 Poydras Street, Suite 1600
New Orleans, LA 70163
T: 504-524-4162 | D: 504-596-4140 | F: 504-596-4114
LPM@kullmanlaw.com | www.KullmanLaw.com

One Area of Practice. One Focus. Labor and Employment Law. Representing Employers for 74 Years.

ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

This communication, including attachments, is confidential, may be subject to legal privileges, and is intended for the sole use of the addressee. Any use, duplication, disclosure or dissemination of this communication, other than by the addressee, is prohibited. If you have received this communication in error, please notify the sender immediately and delete or destroy this communication and all copies.

EXHIBIT A-4

CAUSE NO. 20-4611-462

NEIBI MELANI NAVARRETE, <i>Plaintiff,</i> v. TARGET CORPORATION, <i>Defendant.</i>	§ § § § § § § § §	IN THE DISTRICT COURT OF DENTON COUNTY, TEXAS 462ND JUDICIAL DISTRICT
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**DEFENDANT TARGET CORPORATION'S ANSWER AND
AFFIRMATIVE AND OTHER DEFENSES TO
PLAINTIFF'S ORIGINAL PETITION**

Defendant Target Corporation ("Defendant" or "Target") files this Answer and Affirmative and Other Defenses to Plaintiff Neibi Melani Navarrete's ("Plaintiff") Original Petition and respectfully shows the Court as follows:

**I.
GENERAL DENIAL**

As authorized by Rule 92 of the Texas Rules of Civil Procedure, Defendant enters a general denial of the matters pleaded in Plaintiff's Original Petition and requests that the Court require Plaintiff to prove each of her charges, claims, and allegations by a preponderance of the evidence or clear and convincing evidence as required by the Constitution and the laws of the State of Texas. Defendant respectfully requests that it be allowed to plead further defenses in this cause as the facts surrounding this matter are developed.

**II.
AFFIRMATIVE AND OTHER DEFENSES**

Subject to and without waiving the foregoing, and pleading in the alternative where necessary, Defendant asserts the following affirmative and other defenses. In doing so, Defendant does not waive Plaintiff's burden of proof required on any element of any claim or

cause of action asserted by Plaintiff, and Defendant does not assume the burden of proof except to the extent required under the law.

FIRST DEFENSE

Plaintiff must mitigate any and all alleged damages, and Plaintiff's claims are barred, or her recovery is reduced, by any failure to mitigate. Further, Defendant is entitled to an offset for any amount which could have been earned by Plaintiff.

SECOND DEFENSE

Defendant is entitled to an offset for compensation income received by Plaintiff.

THIRD DEFENSE

Plaintiff's claim for punitive damages is unconstitutional and/or unavailable. Plaintiff's claim for punitive damages is further unwarranted because any alleged discriminatory or retaliatory conduct was contrary to Defendant's good faith efforts to comply with the anti-discrimination and anti-retaliation laws.

FOURTH DEFENSE

Plaintiff's claims are barred by the applicable statute of limitations.

FIFTH DEFENSE

Plaintiff cannot recover back pay, if any, for any period of time when she was unable to work.

SIXTH DEFENSE

Plaintiff's claims are barred, in whole or part, by the doctrines of waiver, ratification, laches and/or estoppel.

SEVENTH DEFENSE

Plaintiff's lawsuit is barred, in whole or in part, by virtue of her failure to exhaust and/or utilize available administrative remedies.

EIGHTH DEFENSE

Defendant's employment actions taken with respect to Plaintiff would have been necessary in the absence of any allegedly impermissible factors.

NINTH DEFENSE

Defendant is not liable for acts, if any, by employees that were not authorized by Defendant, and such employees, if any, had no express or implied authority to engage in acts that were inconsistent with Defendant's written rules prohibiting conduct constituting unlawful discrimination and retaliation.

TENTH DEFENSE

Plaintiff's claims for actual, general, and punitive damages and other relief are subject to all applicable statutory caps and limitations.

ELEVENTH DEFENSE

To the extent Plaintiff's claims and allegations exceed the reasonable scope and investigation of the charge that she filed with the Equal Employment Opportunity Commission ("EEOC") and/or the Texas Workforce Commission ("TWC"), such claims and allegations are barred.

TWELFTH DEFENSE

Plaintiff cannot recover actual and punitive damages under multiple or different theories and causes of action for the same or similar acts. Plaintiff is eligible for only one remedy for her claims.

THIRTEENTH DEFENSE

Defendant is entitled to recover its expenses, costs and attorneys' fees as the prevailing party.

FOURTEENTH DEFENSE

Plaintiff's claims fail, in whole or in part, to state a claim for relief.

FIFTEENTH DEFENSE

Defendant had widely disseminated anti-discrimination and anti-retaliation policies that are strictly enforced. Defendant exercised reasonable care at all times to prevent and promptly correct any alleged discriminatory and/or retaliatory terms and/or conditions of employment from occurring. Plaintiff unreasonably failed to take advantage of the preventative or corrective opportunities and procedures provided by Defendant, or to otherwise avoid the harm about which she now complains.

* * *

Target reserves the right to plead additional defenses as appropriate.

III. PRAYER

WHEREFORE, Defendant Target Corporation prays that Plaintiff Neibi Melani Navarrete take nothing herein and that Target have judgment for its costs and for such further relief, at law or in equity, to which it may be justly entitled.

Respectfully submitted,

/s/ Danielle K. Herring

Danielle K. Herring

State Bar No. 24041281

dherring@littler.com

LITTLER MENDELSON, P.C.

1301 McKinney Street

Suite 1900

Houston, Texas 77010

Telephone No.: 713.951.9400

Facsimile No.: 713.951.9212

Mark A. Flores

State Bar No. 24076385

markflores@littler.com

LITTLER MENDELSON, P.C.

2001 Ross Avenue

Suite 1500, Lock Box 116

Dallas, TX 75201-2931

Telephone No.: 214.880.8100

Facsimile No.: 214.880.0181

**ATTORNEYS FOR DEFENDANT
TARGET CORPORATION**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument was forwarded to counsel of record, *via* e-file notification on this 10th day of July 2020 to:

Reema Ali
Equal Justice Center
1250 West Mockingbird Lane, Suite 455
Dallas, Texas 75247
Sent Via Email: rali@equaljusticecenter.org

Aaron Johnson
Equal Justice Center
510 S. Congress Ave., Ste. 206
Austin, Texas 78704
Sent Via Email: ajohnson@equaljusticecenter.org

Brian P. Sanford
The Sanford Firm
1910 Pacific Ave., Suite 15400
Dallas, Texas 75201
Sent Via Email: bsanford@sanfordfirm.com

/s/ Danielle K. Herring
Danielle K. Herring

4821-6599-7761.2 052067.1639

EXHIBIT A-5

[Skip to Main Content](#) [Logout](#) [My Account](#) [Search Menu](#) [New Civil Search](#) [Refine Search](#) [Back](#)
Location : ----- All District Courts ----- [Help](#)**REGISTER OF ACTIONS****CASE NO. 20-4611-462****Neibi Melani Navarrete vs Target Corporation**§
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§Case Type: **Discrimination**Date Filed: **06/15/2020**Location: **462nd Judicial District Court**Judicial Officer: **Breading, Lee Ann**File Custody/Location: **District Clerk's Office****PARTY INFORMATION****Defendant Target Corporation****Lead Attorneys****Danielle K. Herring***Retained*1301 McKinney Ste, Ste 1900
Houston, TX 77010

713-951-9400(W)

713-951-9212(F)

Plaintiff Navarrete, Neibi Melani**Reema Ali***Retained*1250 West Mockingbird Lane
Ste 455
Dallas, TX 75247

469-228-4234(W)

EVENTS & ORDERS OF THE COURT**OTHER EVENTS AND HEARINGS**06/15/2020 **Plaintiff's Original Petition**06/16/2020 **Jury fee paid***(This entry only represents the payment of the jury fee - not a document filed with the clerk.)*06/16/2020 **Request for Issuance of***Citation*

Made by: Navarrete, Neibi Melani

06/17/2020 **Citation***eserved in envelope #43810938*

Target Corporation

Unreserved

06/17/2020 **Record/Copy Request**07/10/2020 **Defendant's Original Answer***Affirmative and Other Defenses to Plaintiff's Original Petition***FINANCIAL INFORMATION****Plaintiff** Navarrete, Neibi Melani

Total Financial Assessment

325.00

Total Payments and Credits

325.00

Balance Due as of 07/10/2020**0.00**

06/16/2020 Transaction Assessment

317.00

06/16/2020 TexFile Payment

Receipt # 2020-15006

Navarrete, Neibi Melani

(317.00)

06/17/2020 Transaction Assessment

8.00

06/17/2020 TexFile Payment

Receipt # 2020-15151

Navarrete, Neibi Melani

(8.00)

EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

NEIBI MELANI NAVARRETE,

Plaintiff,

v.

TARGET CORPORATION,

Defendant.

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CIVIL ACTION NO. _____

DECLARATION OF ADAM KLARFELD IN SUPPORT OF REMOVAL

Pursuant to 28 U.S.C. § 1746, I, Adam Klarfeld, declare the following:

1. “I am Director, Employee Relations Counsel for Defendant Target Corporation (“Target”), a Minnesota corporation. I make this declaration in support of Defendant’s Notice of Removal. I have personal knowledge of the true and accurate facts contained herein, unless otherwise stated, and, if called to testify, I could and would competently testify thereto.

2. I have been Director, Employee Relations Counsel for Target since August 2013. As Director, Employee Relations Counsel, my current job duties include managing the defense of Target Corporation in employment law matters. I am thus familiar with the operations of Target.

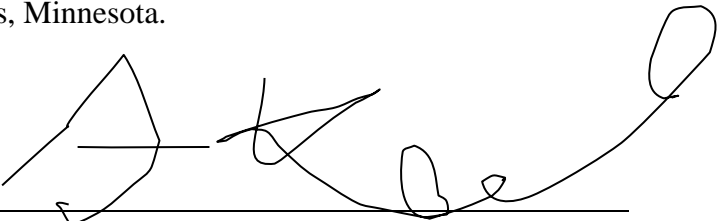
3. Target is incorporated in the State of Minnesota, and its ‘home office,’ or headquarters, is located at 1000 Nicollet Mall, Minneapolis, Minnesota 55403. Target maintains its corporate records and controls business and activities from Minneapolis, Minnesota, and almost all of its top executives work at this location. Additionally, Target also files its corporate tax returns in Minnesota.

4. On June 18, 2020, Target was served with a copy of Plaintiff Neibi Melani Navarrete’s Original Petition in the lawsuit styled *Neibi Melani Navarrete v. Target*

Corporation, Cause No. 20-4611-462, in the 462nd Judicial District Court of Denton County, Texas.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.”

Executed on July 9, 2020, at Minneapolis, Minnesota.



A handwritten signature in black ink, appearing to read 'Adam Klarfeld', is written over a horizontal line. The signature is stylized with a large 'A' and a long, sweeping tail that loops back.

ADAM KLARFELD

4824-5468-4097.2 052067.1639

EXHIBIT C

CAUSE NO. 20-4611-462

NEIBI MELANI NAVARRETE,	§	IN THE DISTRICT COURT OF
<i>Plaintiff,</i>	§	
	§	
v.	§	DENTON COUNTY, TEXAS
	§	
TARGET CORPORATION,	§	
<i>Defendant.</i>	§	462ND JUDICIAL DISTRICT

DEFENDANT'S NOTICE TO STATE COURT OF FILING REMOVAL

PLEASE TAKE NOTICE that on July 17, 2020, Defendant Target Corporation filed a Notice of Removal in the United States District Court for the Eastern District of Texas, Sherman Division, for removal of this action to that United States District Court. Pursuant to 28 U.S.C. § 1446(d), the filing of the Notice of Removal in the United States District Court, together with the filing of a copy of that Notice of Removal (attached hereto as Exhibit 1), effects the removal of this action, and this Court may proceed no further unless the case is remanded.

Respectfully submitted,

/s/ Danielle K. Herring

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**ATTORNEYS FOR DEFENDANT
TARGET CORPORATION**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument was forwarded to counsel of record, *via* e-file notification on this 17th day of July 2020 to:

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1250 West Mockingbird Lane, Suite 455
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Sent Via Email: rali@equaljusticecenter.org

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/s/ Danielle K. Herring

Danielle K. Herring

4822-4647-6225.2 052067.1639

EXHIBIT D

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

NEIBI MELANI NAVARRETE,

Plaintiff,

v.

TARGET CORPORATION,

Defendant.

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CIVIL ACTION NO. 4:20-CV-00553

INDEX OF MATTERS BEING FILED AND LIST OF COUNSEL OF RECORD

EXHIBIT	DESCRIPTION	DATE
A	Plaintiff's Original Petition	06/15/2020
A-1	Request for Issuance of Citation	06/16/2020
A-2	Citation	06/17/2020
A-3	Record/Copy Request	06/17/2020
A-4	Defendant's Original Answer	07/10/2020
A-5	Civil Docket Sheet	07/10/2020
B	Declaration of Adam Klarfeld in Support of Notice of Removal	07/10/2020
C	Defendant's Notice of Filing Removal (462nd District Court of Denton County)	07/17/2020
D	Index of Matters being Filed and List of Counsel of Record	07/17/2020

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